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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Goelet et al.

Docket No.: 13017-3

Application Serial No.: 09/258,132

Examiner: Arthur, L.

Filed: February 26, 1999

Group Art Unit: 1655

For: NUCLEIC ACID TYPING BY POLYMERASE
EXTENSION OF OLIGONUCLEOTIDES
USING TERMINATOR MIXTURES

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

February 28, 2001

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION UNDER 37 CFR §1.321(C)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Orchid BioSciences, Inc. represents that it is the owner of the entire right, title, and interest of Application No. 09/258,132, filed on February 26, 1999, by virtue of an assignment from the inventors to Molecular Tool, Inc. recorded with the United States Patent and Trademark Office on December 3, 1992, at Reel 6484, Frame 0891, an assignment from Molecular Tool, Inc. to Orchid Biocomputer, Inc. recorded with the United States Patent and Trademark Office on March 17, 1999, at Reel 9827, Frame 0127, and a change of name of the corporation from Orchid Biocomputer, Inc. to Orchid BioSciences, Inc. recorded with the United States Patent and Trademark Office on March 20, 2000, at Reel 010703, Frame 0477.

Certificate of Express Mail Under 37 C.F.R. 1.10

I hereby declare that this correspondence is being deposited with the United States Postal Service via Express Mail Label No. EL60553354145 in an envelope addressed to:
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2/28/01
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Name

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Disclaimer

Orchid BioSciences, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration of its co-owned U.S. Patent Nos. 5,888,819 and 6,004,744 and hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that said patents are commonly owned with the application or patent that formed the basis of the obviousness type double patenting rejection, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of Patent No. 5,888,819 or as currently shortened by any terminal disclaimer of Patent No. 6,004,744, except for the separation of legal title stated above, even in the event that Patent Nos. 5,888,819 or 6,004,744 expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration of their full statutory term or as currently shortened by any terminal disclaimer.

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This disclaimer is accompanied by the fee of \$110.00 as set forth in 37 CFR §1.20(d). If any additional fee is necessary or overpayment has been made, please charge, or credit, our deposit account No. 11-0171 for such sum.

Respectfully submitted,



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